

**ORDINANCE NO. \_\_\_\_\_, SERIES 2007**

**AN ORDINANCE READOPTING AND AMENDING CHAPTER 73 OF THE JEFFERSON COUNTY CODE OF ORDINANCES, WHICH WAS INADVERTENTLY NOT INCLUDED IN THE ORIGINAL CODIFICATION OF THE LOUISVILLE/ JEFFERSON COUNTY METRO CODE OF ORDINANCES (“LMCO”) RELATING TO PUBLIC TRANSPORTATION SAFETY; DECLARING THE ENACTMENT OF THIS ORDINANCE AN EMERGENCY.**

**SPONSOR: Councilman Rick Blackwell, District 12  
Councilman Kelly Downard, District 16**

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“COUNCIL”)**

**AS FOLLOWS:**

**SECTION I.** Chapter 73 of the Jefferson County Code of Ordinances, which was inadvertently not included in the original codification of the LMCO, is hereby readopted and amended to read as follows:

**73.01 DECLARATION OF POLICY.**

The public transportation system in ~~Jefferson County~~ Louisville Metro has attained a high safety record due in part to professional operators who are trained to react defensively and anticipate safety problems. However, when an operator of a public transportation vehicle is faced with violence to self or a passenger, which distraction places in jeopardy the safety of the operator, the passengers, and the public. It shall therefore be the policy of this community to make provision through law for the safety of operators and passengers of the public transportation system.

**73.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**INTENTIONALLY.** A person(s) acts **INTENTIONALLY** with respect to a result or to conduct described by this ordinance defining an offense when his or her conscious objective is to cause that result or to engage in that conduct.

**OPERATOR.** A person(s) who is lawfully in charge of a vehicle such as a taxi, a bus, or other passenger vehicle for hire. This includes but is not limited to a person(s) driving the vehicle, directing the boarding of a vehicle, directing disembarking of that vehicle or a person(s) who is engaged in a course of action related to the duties of controlling the vehicle such as safety inspections, traffic stops, rest stops, maintenance, and general security.

**PASSENGER.** A person(s), not an operator, who is using or attempting to use a taxi, a bus, or other passenger vehicle for hire regardless of whether such person is charged a fee for such use.

**PHYSICAL INJURY.** Substantial physical pain or any impairment of physical condition.

**WANTONLY.** A person(s) acts **WANTONLY** with respect to a result or to a circumstance described by this ordinance defining an offense when he or she is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A

person who creates such a risk but is unaware thereof solely by reason of voluntary intoxication also acts **WANTONLY** with respect thereto.

### **73.03 UNLAWFUL PRACTICES.**

(A) No person shall intentionally or wantonly cause physical injury or reasonable apprehension of physical injury to an operator or a passenger of the public transportation system.

(B) No person shall intentionally or wantonly throw or project any object or substance at or near the operator.

### **73.99 PENALTY.**

(A) Any person who violates Section 73.03(A) shall be imprisoned ~~in the county jail~~ for not less than 90 days and no more than 12 months and shall be fined not less than \$100 and no more than \$500.

(B) Any person who violates Section 73.03(B) shall be fined not less than \$100 and no more than \$500.

(C) Any person who violates Section 73.03 and has not yet reached his or her eighteenth birthday shall be subject to the provisions of the Unified Juvenile Code found in KRS Chapter 600 et. seq. in lieu of the penalties set forth in this Section.

**SECTION II.** In recognition of the compelling need to ensure that Chapter of the Jefferson County Code of Ordinances does not sunset and pursuant to Section 7.12 of the Rules of the Council, the enactment of this ordinance is deemed an emergency.

**SECTION III.** This Ordinance shall take effect upon its passage and approval.

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Kathleen J. Herron  
Metro Council Clerk

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Rick Blackwell  
President of the Council

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Jerry E. Abramson  
Mayor

Approved: \_\_\_\_\_  
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_

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